



Submission to the European Parliament Report on Integration

ENAR preliminary remarks on A Common Agenda for Integration: Framework for the Integration of Third-Country Nationals in the European Union

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The European Network against Racism (ENAR) is a network of some 600 European NGOs working to combat racism in all EU Member States. Its establishment was a major outcome of the 1997 European Year against Racism. ENAR is determined to fight racism, xenophobia, anti-Semitism and Islamophobia, to promote equality of treatment between EU citizens and third country nationals, and to link local/regional/national initiatives with European initiatives.

Introduction

As the Commission Communication on *A Common Agenda for Integration*, points out ‘the promotion of fundamental rights, non-discrimination and equal opportunities for all are key integration issues’. While most people agree that the integration imperative is a vital one, it is not clear that everyone is talking about the same outcome. A dictionary definition of integration states that it is ‘a combination and coordination of separate and diverse elements or units into a more complete whole’. However when it comes to European societies *how* diverse communities are combined and coordinated, and *what* the more complete or harmonious society should look like, is far less easily defined.

Most actors recognise that migration is a welcome and necessary development in Europe, particularly as Europe faces new demographic and economic pressures. ENAR is concerned that Europe embraces diversity, and takes action to promote awareness of the benefits and value of diversity. As a network concerned with the rights of all ethnic minority communities in the European Union, ENAR has closely followed the emergence of a European common agenda on integration.¹

Many of the policy approaches to date have recognised that anti-racism and the fight against discrimination are an important element of an integration strategy. However ENAR believes that they have failed to recognise that *anti-discrimination is both a pre-requisite for, and modus operandi of, successful integration*. All dimensions of integration policy including economic, social, cultural and political, must be underpinned by anti-discrimination. Across the social spectrum integration strategies are undermined by experiences of either direct or indirect discrimination. Consequently it is essential that integration is linked to both the anti-discrimination and social inclusion strategies at the European and national levels.

This is ENAR’s first reponse to the Commission Communication on *A Common Integration Agenda*, and is intended to make a direct contribution to the European Parliament report on integration. ENAR welcomes the initiative of the European Parliament to produce such a report, particularly as there has been a lack of direct consultation with the Parliament and with civil society on this subject.

Consequently this paper is divided into three key sections. The first represents ENAR’s position that anti-racism and anti-discrimination are the foundation of an effective integration policy. The second section presents a general response to the development of the common European integration agenda. There is an important role for the development of a European approach, however ENAR has a number of concerns regarding the direction of this debate since the adoption of the 11 Common Basic Principles. The final section presents concrete recommendations for the European Parliament report, this overview outlines what ENAR believes are essential components of the forthcoming report.

¹ Under its 2006-2007 work programme ENAR intends to organise an ad-hoc expert consultation group on social and economic inclusion of disadvantaged minorities (November 2006); a policy seminar on migration, social exclusion, integration and racism (April 2007); and a European Parliament Intergroup meeting on social inclusion, integration and racism (Summer 2006).

1. Anti-racism is the foundation of integration strategies

The development of a common European approach to integration is an important step. It is essential that EU Member States exchange both good and bad practice, and develop a *common understanding* of what it means to promote integration of ethnic minority groups. ENAR is aware that there are a wide variety of approaches to integration across the EU Member States and it is essential that the EU develop minimum standards for integration policy based on respect for fundamental rights.

ENAR has identified the emerging policy framework on integration as an important opportunity to promote best practice, as well as to identify the weaknesses of strategies that do not promote inclusive societies and respect for diversity. It is clear that some so-called 'integration' strategies are much closer to the anachronistic approach associated with assimilation. A European approach has the potential to foster a progressive understanding of the concept of integration.

ENAR is concerned that the current approach does not recognise anti-discrimination as the foundation of integration, but rather approaches it from the perspective that anti-discrimination and anti-racism represent one element of an integration strategy. This approach fails to take account of the pervasive and structural nature of discrimination, and the impact it has on all areas of society: economic, social, cultural, political and civil. As Patrick Gaubert pointed out in his May 2005 report to the European Parliament:

integration involves first and foremost action to combat discrimination, racism and xenophobia through equal treatment and equal opportunities.²

Anti-discrimination is the key to effective equality policies that are essential in creating the condition for inclusive societies,

The definition of integration put forward in the 2003 Commission Communication, provides a comprehensive analysis of the core elements of the integration process:

integration should be understood as a *two way* process based on mutual rights and corresponding obligations of legally resident third country nationals and the host society which provides for full *participation* of the immigrant... the individual has the possibility of participating in *economic, social, cultural* and *civil* life and on the other, that immigrants respect the fundamental norms and values of the host society and participate actively in the integration process, without having to relinquish their own *identity* (emphasis added).

The key elements of this definition are clearly informed by an anti-racist approach. Without combating discrimination, there is a power imbalance between the majority and minority populations, which undermines the two way process. Discrimination prevents ethnic minority groups from participating in economic, social, cultural and civil life, and negatively impacts minority identities and undermines respect for diversity. Consequently anti-discrimination and anti-racism are a pre-requisite for integration, but also must inform all dimensions of an integration strategy.

² Patrick Gaubert, A6-0136/2005 FINAL, p 17/27

The 11 Common Basic Principles adopted by the Council at the end of 2004 fail to recognise the centrality of anti-racism and limit the significant of anti-discrimination policies to specific tools in some areas. Anti-discrimination is not named in the 11 Common Basic Principles, and in the annex, which elaborates on the content of the principles, is referenced in less than half of the principles.

This limited approach is reflected in the Commission Communication on *A Common Agenda for Integration* published in September 2005. While there is much to be welcomed in the concrete suggestions put forward by the Communication, ENAR believes that it fails to respond to the impact of discrimination and racism on all aspects of the lives of third country nationals living in the European Union.

Role of anti-racist civil society

Civil society organisations and NGOs play a crucial role in fostering integration at the national, regional and local levels. In particular anti-racist NGOs and those more broadly concerned with the rights of migrants, play an essential role in the integration process. ENAR's experience demonstrates that where there is an active NGO sector, there is more likely to be strategies, activities and awareness on integration and anti-discrimination. It is essential that NGOs are adequately funded to engage in this work. As Patrick Gaubert's 2005 European Parliament report points out:

The integration process must to a great extent involve civil society, including NGOs (whose responsibilities vis-à-vis those of the Member States must be better defined).³

³ Patrick Gaubert, A6-0136/2005 FINAL, p 17/27

2. A Common Agenda for Integration: moving forward

It is important to name and respond to the challenges and opportunities facing diverse societies, the definition of integration policies provides an opportunity to respond to these needs in a structured and coordinated manner. In other words as governments prioritise integration and create structures and policy responses accordingly, there is an opportunity to promote a vision of an inclusive Europe.

The Communication on *A Common Agenda for Integration* makes a valuable contribution to an ongoing debate. The detail of the Communication, much of which is limited to introductory guidelines, provides the basis of further national and European discussion. However ENAR is concerned that the current debate on integration, is sometimes informed by a negative concern regarding 'failed integration'. In particular the debate has not been adequately connected with broader policies on social inclusion and anti-discrimination.

The debate to date has been informed by a definition of integration as a two-way process, however ENAR believes that when it comes to the practical implementation of this agenda, the articulation of integration has focused on the rights and obligations of minority groups, and not on the actions of the majority society.

ENAR holds that the debate on integration must be informed by 6 concrete approaches.

1. **Anti-racism:** Anti-racism and anti-discrimination are both a pre-requisite and an informing principle in the development of integration strategies. It is not possible to artificially distinguish anti-racism and social inclusion from integration.
2. **Promoting inclusive societies:** There should be greater emphasis on the types of 'integrated societies' Europe wants, there needs to be reflection and discussion on the vision of an inclusive Europe. This goes beyond the articulation of integration as a 'two-way' process.
3. **Mainstreaming:** As recognised in the 2003 Communication integration must be informed by a holistic approach that includes both mainstreaming and targeted objectives across the full range of policy activities. Recognising that many groups in society have integration needs, the development of policy relating to third country nationals is a useful tool to respond to the needs of these particular groups.
4. **Participation:** Integration strategies must be developed in genuine partnership. Concrete measures must be taken to ensure the active participation of third country nationals and the majority population in developing integration strategies.
5. **Partnership with civil society:** Civil society organisations are at the forefront of integration and anti-discrimination policies. While the primary responsibility lies with the State greater attention must be paid to the role of NGOs in designing, implementing and monitoring integration strategies.
6. **Impact and evaluation:** The development of integration indicators and evaluation is dependent on the articulation of a common understanding of integration. Great care should be taken to develop indicators that reflect the values of equality and non-discrimination.

3. Essential elements of the European Parliament Report

Informed by a concern that anti-racism be placed at the heart of holistic integration strategies, ENAR holds that the following provisions must be included in the European Parliament report on integration:

- Having regard to Article 13 of the EC Treaty, and in particular Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin,⁴ and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation,⁵
 - Having regard to Article 29 of the Treaty on European Union which includes measures aimed at preventing and combating racism and xenophobia,
 - Having regard to the Commission proposal for a Framework Decision on Racism and Xenophobia, COM(2001) 664 final, and noting that to date the Council has failed to come to an agreement on the proposed Framework Decision,
 - Having regard to the Council Directive 2003/109/EC on Status of Third-Country Nationals who are Long-Term Residents; and Council Directive 2003/86/EC on The Rights to Family Reunification,
- A. whereas the success of immigration policies is dependent on achieving fully integrated societies where diversity is respected and valued, in the context of ongoing action to fight all forms of racial, cultural and economic discrimination,⁶
- B. whereas there is an urgent need to combat all forms of racism and discrimination,
- C. whereas recent immigrants may experience specific forms of discrimination, which will differ in some respects from the discrimination faced by settled ethnic-minority communities,⁷
- D. whereas the specific needs of undocumented migrants must be taken into consideration to build a sustainable and comprehensive integration policy, respectful of fundamental rights,
- E. pointing out that third country nationals can often experience discrimination on multiple grounds, including gender, race, disability, age, religion and sexual orientation. Often it is at the intersection of these grounds that third country nationals are especially vulnerable to discrimination and exclusion,
- F. pointing out that integration is a holistic process which encompasses all aspects of life: economic, social cultural, civil and political. Integration is a long-term process that begins before the migrant arrives in the host country, and is potentially never ending,
- G. recalls that, pursuant to Article 191 TEC, political parties at European level are important as a factor for integration within the Union; is concerned, therefore, at

⁴ OJ L 180, 19.7.2000, p. 22

⁵ OJ L 303, 2.12.2000, p. 16

⁶ Based on Patrick Gaubert, A6-0136/2005 FINAL, p 5/27, paragraph L

⁷ Based on Claude Moraes, A6-0140/2005 FINAL, p. 11/25, paragraph 41

the growing public acceptance of profoundly racist, anti-Semitic, and islamophobic statements and actions by prominent politicians and members of government,⁸

- H. recalls the fundamental role that family reunification plays in the integration of third-country nationals legally resident in the European Union,⁹
1. Considers that, as a priority, the Union should, in agreement with its Member States and using existing legal bases, favour a coherent policy of integration through the adoption of legislative measures and the provision of financial support;¹⁰
 2. Stresses that coordination of national policies cannot replace a European integration policy; calls on the Member States to define minimum criteria for the creation of such a policy;¹¹
 3. Considers action to combat discrimination, racism and xenophobia to be an essential foundation of integration policy; calls upon the Member States to take steps to spread, among the citizens of Europe, a culture of positive welcome, integration and social inclusion, and to incorporate without delay the two relevant anti-discrimination directives into their internal laws;¹²
 4. Calls on all Member States to fully implement the Directive on the rights of long-term residence, and calls on the Commission to take swift action against those Member States who have failed to do so;
 5. Recognises the extremely detrimental impact of experiences of racist crime and racist violence on integration, notes the failure of the European Council to adopt the proposed Framework Decision on Racism and Xenophobia, and welcomes the initiative of the Austrian Presidency to consider strategies for progressing this instrument. Calls on future Presidencies to place the proposal on the Council agenda and calls for the European Parliament to be consulted again on this framework decision following fresh discussions in the Council;¹³
 6. Warns that in the context of possibly discriminatory side effects of measures against crime and terrorism, third country nationals are particularly vulnerable to discrimination, and consequently there is a risk that such policies will undermine integration. Calls on the institutions of the European Union and Member States to prohibit the use of profiling in policing and counter-terrorism initiatives;
 7. Calls on the Member States and the European Institutions to ensure that comprehensive coordination mechanisms are put in place to ensure that integration is effectively mainstreamed into all areas of government policy, namely, on entry and stay of third country nationals, nationality and citizenship, anti-discrimination, social inclusion, employment, education, housing, culture, and health;

⁸ Claude Moraes, A6-0140/2005 FINAL, p. 4/25, paragraph 2

⁹ Carmen Cerdeira Morterero, A5-0086/2003, p. 43/50

¹⁰ Claude Moraes, A6-0140/2005 FINAL, p. 8/25, paragraph 17

¹¹ Based on Patrick Gaubert, A6-0136/2005 FINAL, p 11/27, paragraph 49

¹² Based on Patrick Gaubert, A6-0136/2005 FINAL, p 11/27, paragraph 53

¹³ Based on Patrick Gaubert, A6-0136/2005 FINAL, p 11/27, paragraph 53

8. Calls on Member States, who have not yet done so, to produce National Action Plans on Racism (as committed to in the World Conference against Racism, 2001) as an important mainstreaming tool in the promotion of anti-discrimination and integration of third country nationals. The National Action Plans should include specific initiatives aimed at addressing the situation of third country nationals;
9. Calls on all the Member States of the European Union to sign and ratify the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families;¹⁴
10. Calls on the Commission to use the opportunity of the feasibility study proposed in the Green Paper on Anti-discrimination and Equal Opportunities, to consider enhancing protection for third country nationals in the context of migration policy, and in the extension of the Equality Directives to discrimination on the grounds of nationality;
11. Calls on Member States to specifically ensure that all staff working on immigration policy and at borders are aware of the issues facing ethnic minority communities and receive anti-racism training;
12. Calls on Member States to simplify the naturalisation procedure while ensuring that integration does not become unwanted assimilation or undermine the group identity of persons living on their territory; considers that it is equally important to avoid problems stemming from the various national laws on access to citizenship;¹⁵
13. Calls on the EU institutions to promote the concept of European citizenship based on residence.¹⁶ EU citizenship offers a key tool to promote participation and belong, key elements of integration, and would promote the objectives of the Long Term Residence Directive;
14. Calls on Member States and EU institutions to promote the participation of non-nationals without voting rights, in cultural, social, political, economic and civil life, notably by ensuring adequate consultation and representation mechanisms; calls on all Member States to ratify the European Convention on the participation of foreigners in public life at local level;¹⁷
15. Calls on all political parties to renew their commitment to the Charter of European political parties for a non-racist society, adopted on 5 December 1997;¹⁸
16. Calls on the Commission and the Member States to maintain an ongoing dialogue with migrant rights and anti-racist NGOs with a view to requesting their opinion on immigration-related matters and supporting their activities of assistance to immigrants and research;¹⁹ and looks forward to an open dialogue of the structure and organisation of the proposed European Integration Forum;

¹⁴ Patrick Gaubert, A6-0136/2005 FINAL, p 11/27, paragraph 53

¹⁵ Based on Claude Moraes, A6-0140/2005 FINAL, p. 12/25, paragraph 43

¹⁶ See Giusto Catania, A6-0411/2005 FINAL, p. 8/18, paragraph 28

¹⁷ Patrick Gaubert, A6-0136/2005 FINAL, p 11/27, paragraph 52

¹⁸ Based on Claude Moraes, A6-0140/2005 FINAL, p. 4/25, paragraph 2

¹⁹ Based on Patrick Gaubert, A6-0136/2005 FINAL, p 10/27, paragraph 41

17. Calls on the European Commission to launch a public consultation on the emerging integration policy framework, and to support NGOs working with the most vulnerable groups of migrant workers to contribute to this consultation;
18. Calls on the National Contact Points on Integration to establish structured links with civil society organisations at national level;
19. Calls on the European Commission and the Member States to recognise the integration needs of undocumented workers and make every effort to protect the rights of migrants who find themselves in undocumented situations. Calls on Member States to establish permanent and individualised mechanisms for 'legalising' the situation of undocumented workers;
20. Calls on the European Commission to draft a new legislative act on family reunification, in order to amend provisions that can violate the right to family life.²⁰

²⁰ ECJ, Affaire C-540/03, Conclusions de l'Avocat Générale présentées le 8 septembre 2005, paragraph 127